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Commission of Kenya

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4-16-2013

### Final Report Procedures - Final Report Procedures

Truth, Justice, and Reconciliation Commission

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## **FINAL PROCEDURE FOR ADOPTING THE REPORT**

At the final report writing retreat for Commissioners held at Enashipai Spa and Resort in Naivasha between the scheduled dates of 14-21 April 2013, it was agreed as follows:

Taking into consideration that by law the Report shall be submitted by 3 May 2013;

Considering that the latest date therefore for submission of the final draft to the printers is 25 April 2013;

Desirous of completing the Report in a timely and expeditious manner.

It is hereby agreed by Commissioners as follows:

1. All Commissioners shall receive at the same time chapters or volumes of the report for final reading. Review of the chapters at this stage shall be limited to minor edits. Each Commissioner shall upon reading append his/her signature on his/her copy of the volume/ chapter under review.
2. In accordance with standard practice of Truth Commissions, in case of a fundamental disagreement in the content of the Report, each Commissioner shall reserve the right to dissent and to prepare a minority position.
3. Where a Commissioner exercises the right to prepare a minority position such a Commissioner is bound to sign the Report. Where a dissenting Commissioner does not exercise the right to prepare a minority position, such a Commissioner is not bound to sign the Report.
4. Where a Commissioner opts to exercise the right to a dissenting opinion, the right shall be exercised within 48 hours, after which the Commissioner shall be deemed to have forfeited the right.

5. The minority position and the response thereto by the majority shall both be appended to the relevant chapter of the Report.
6. In compliance with the law, the Report remains confidential until presentation to the Appointing Authority. In the circumstances the preparation of the dissenting opinion must remain an internal process. In this regard, dissenting Commissioners shall be assisted by the Research Department in preparing the minority position.

DATED at Naivasha this 16th day of April 2013

Amb Bethuel Kiplagat

B.A. Kiplagat

Comm Tecla Namachanja Wanjala

Tecla Wanjala

Judge Gertrude Chawatama

Gertrude Chawatama

Amb Berhanu Dinka

Berhanu Dinka

Maj Gen (Rtd) Ahmed Farah

Ahmed Farah

Prof Tom Ojienda

Tom Ojienda

Comm Margaret Shava

Margaret Shava

Prof Ronald Slye

Ronald Slye